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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff and Counterdefendant,

v.

SONOS, INC.,

Defendant and Counterclaimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF COLE B.
RICHTER IN SUPPORT OF
GOOGLE'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED (DKT. 322)**

1 I, Cole B. Richter, declare as follows and would so testify under oath if called upon to do
2 so:

3 1. I am an attorney with the law firm of Lee Sullivan Shea & Smith LLP, counsel of
4 record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good standing
5 of the Bar of the State of Illinois. I have been admitted *pro hac vice* in this matter. I make this
6 declaration based on my personal knowledge, unless otherwise noted. If called, I can and will
7 testify competently to the matters set forth herein.

8 2. I make this declaration in support of Google’s Administrative Motion to Consider
9 Whether Another Party’s Material Should be Sealed filed on August 15, 2022 (Dkt. 322)
10 (“Administrative Motion”), in connection with Google’s Notice of Lodging Presentation Slides
11 Re The July 13, 2022 Summary Judgment Hearing (“Notice”).

12 3. Sonos seeks an order sealing the materials as listed below:

13 Document	14 Portions Google Sought to Be Filed Under Seal	15 Portions Sonos Seeks to Be Filed Under Seal	16 Designating Party
17 Attachment A to Google’s Notice (“Attachment A”)	18 Portions outlined in yellow boxes	19 Same portions highlighted by Google	20 Sonos

21 4. I understand that the Ninth Circuit has recognized two different standards that may
22 apply to a request to seal a document, the “compelling reasons” standard and the “good cause”
23 standard. *Blessing v. Plex Sys., Inc.*, No. 21-CV-05951-PJH, 2021 WL 6064006, at *12 (N.D.
24 Cal. Dec. 22, 2021) (citing *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97
25 (9th Cir. 2016)). The compelling reasons standard applies to any sealing request made in
26 connection with a motion that is “more than tangentially related to the merits of a case.” *Id.*
27 Accordingly, I understand courts in this district apply a “compelling reasons” standard to a
28 sealing request made in connection with a motion for summary judgment. *See, e.g., Snapkeys, Ltd. v. Google LLC*, No. 19-CV-02658-LHK, 2021 WL 1951250, at *2 (N.D. Cal. May 14, 2021).

5. I further understand that confidential technical information about product features,
architecture, and development satisfies the “compelling reason” standard. *See Delphix Corp. v.*

1 *Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at *2 (N.D. Cal. Aug. 20, 2014) (finding
 2 compelling reasons to seal where court filings contained “highly sensitive information regarding
 3 [an entity’s confidential] product architecture and development”); *Guzik Tech. Enters., Inc. v. W.*
 4 *Digital Corp.*, No. 5:11-CV-03786-PSG, 2013 WL 6199629, at *4 (N.D. Cal. Nov. 27, 2013)
 5 (sealing exhibit containing “significant references to and discussion regarding the technical
 6 features” of a litigant’s products). Under this “compelling reasons” standard, the Court should
 7 order the above-listed documents sealed.

8 6. Attachment A references and contains Sonos’s confidential business information and
 9 trade secrets, including details regarding the source code, architecture, and technical operation of
 10 various products. The specifics of how these functionalities operate is confidential information
 11 that Sonos does not share publicly. Thus, public disclosure of such information may lead to
 12 competitive harm as Sonos’s competitors could use these details regarding the architecture and
 13 functionality of these products to gain a competitive advantage in the marketplace with respect to
 14 their competing products. A less restrictive alternative than sealing said documents would not be
 15 sufficient because the information sought to be sealed is Sonos’s confidential business
 16 information and trade secrets and Google contends that this information is necessary to Google’s
 17 Answer. *See* Declaration of Anne-Raphaelle Aubry in Support of Google LLC’s Administrative
 18 Motion to Seal, ¶ 4 (Dkt. 321-1).

19 7. Sonos’s request is narrowly tailored to protect its confidential information.

20 I declare under penalty of perjury that the foregoing is true and correct to the best of my
 21 knowledge. Executed this 25th day of August, 2022 in Chicago, Illinois.

22
 23 /s/ Cole B. Richter

24 COLE B. RICHTER